

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

IN RE: :  
KILBARGER, AJ : Case No. 11-31890  
KILBARGER, JULIE A. : Chapter 7  
 : Judge Guy R. Humphrey  
 :  
Debtors.

**NOTICE OF TRUSTEE'S PROPOSED SALE/DISPOSITION OF TANGIBLE  
PERSONAL PROPERTY TO DEBTORS AND OPPORTUNITY TO OBJECT**

As set forth below, the Trustee proposes to sell and or dispose to the Debtors certain tangible personal property.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to grant the Trustee's proposed action, or if you want the Court to consider your views on the Trustee's proposed action, then on or before Twenty One (21) days from the Date of Issuance set forth below, you or your attorney must file a written response in accordance with the Court's local rules and filing procedures.

The Clerk of Court's address is: U.S. Bankruptcy Court Clerks Office, 120 W. Third Street, Dayton, OH 45402.

Copies of the Court's Administrative Procedures for electronic court filings can be found at the following website: <http://www.ohsb.uscourts.gov>

You must file the response early enough so the Court will **receive** it on or before the date stated above.

You must also either electronically serve John Paul Rieser through the court's ECF System or mail a copy to John Paul Rieser at the following address: John Paul Rieser  
7925 Graceland Street  
Dayton, OH 45459-3834

If you or your attorney do not take these steps, the Trustee will take the proposed action without further notice and report the details thereof on the Final Report in this case.

**10/25/2011**

\_\_\_\_\_  
Date of Issuance

***/s/ John Paul Rieser***

\_\_\_\_\_  
John Paul Rieser, Esq.

## **NOTICE OF PROPOSED SALE /DISPOSITION**

Now comes John Paul Rieser, the duly appointed and acting Chapter 7 Trustee in the above captioned case and hereby gives notice pursuant to 11 U.S.C. §§ 363, 554, and 725 that a disposition of tangible personal property will be made to the Debtors in exchange for non-exempt equity, as determined by the Trustee and agreed to by the Debtors.

The property at issue is a 2005 Dodge Ram (“Vehicle”) scheduled by the Debtors at a value of \$13,485.00. The Trustee determined the value of the Vehicle to be slightly higher, in the approximate amount of \$15,312.50, based on the average of the NADA average trade in value (\$13,275.00) and the NADA clean retail value (\$17,350.00). From this value, the Trustee deducted (1) Debtors’ exemptions pursuant to O.R.C. § 2329.66 (A)(2) and (18) in the amount of \$4,600.00. The Trustee agreed to accept a payment of \$10,000.00 from the Debtors. This agreed-upon payment is slightly less than the vehicle’s value by approximately \$712.50<sup>1</sup>. The Trustee believes that disposing of the Vehicle by permitting the Debtors to “buy out” the non-exempt equity herein will produce a net certain recovery to creditors equal to or greater than that which would be obtained from selling the Vehicle at auction or by alternative disposition methods, which have greater transaction costs, take longer, and have no certainty as to result.

**WHEREFORE,** the Trustee now notices creditors and all parties of interest that unless an objection to this Notice is timely filed and served, the Trustee will finalize this proposed disposition as permitted by the Bankruptcy Code, Rules and Local Bankruptcy Rules.

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<sup>1</sup> This price adjustment is an estimate based on the Trustee’s experience in selling vehicles at auctions in the current market environment. NADA and Kelley Blue Book values for any given vehicle can differ considerably, and the vehicle’s condition is also a factor in its value. The price adjustment includes approximate administrative costs which the Trustee would incur if he sold the vehicle at auction, including without limitation the auction company’s fees which can range from approximately \$100.00 to \$250.00.

Respectfully yours,

**/s/ John Paul Rieser**

John Paul Rieser, Trustee

Rieser & Associates LLC

7925 Graceland Street

Dayton, OH 45459-3834

Phone: (937) 224-4128, Fax: (937) 224-3090

E-mail: tecfdesk@rieserlaw.com

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **NOTICE OF TRUSTEE'S PROPOSED SALE/DISPOSITION OF TANGIBLE PERSONAL PROPERTY TO DEBTORS AND OPPORTUNITY TO OBJECT** was served this 25th day of October, 2011, on the parties in interest listed on the attached matrix. All parties listed on the attached matrix were served by regular U.S. mail, postage prepaid, with the following exceptions:

- (1) The Trustee is not serving the United States Bankruptcy Court by regular mail because the United States Bankruptcy Court will receive electronic notice of this filing.
- (2) A creditor who is listed by name only, with no mailing address, is not being served with this document. The Trustee is not serving a copy to creditors who have no mailing address listed on the matrix because it is obvious that the Post Office cannot and will not deliver mail without an address, and it would be a waste of estate resources to attempt such delivery. The Trustee will provide a copy of this document or pleading to such creditors upon request from the creditors not receiving service.
- (3) The following parties are not being served by regular mail because they will receive notice of this filing by the court's electronic ECF system:

Asst US Trustee (Day) USTPRegion09.CB.ECF@usdoj.gov

Scott A Kramer scottakramer@sbcglobal.net

Erin M Laurito jsummers@lauritolaw.com, dleonard@lauritolaw.com

**/s/ John Paul Rieser**

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John Paul Rieser [lrs/736]

Label Matrix for local noticing 0648-3 Case 3:11-bk-31890 Southern District of Ohio Dayton Mon Oct 24 11:08:03 EDT 2011	United States Bankruptcy Court 120 West Third Street Dayton, OH 45402-1872	ARM PO Box 129 Thorofare, NJ 08086-0129
Accounts Receivables Management, Inc. PO Box 129 Thorofare, NJ 08086-0129	Asst US Trustee (Day) Office of the US Trustee 170 North High Street Suite 200 Columbus, OH 43215-2417	Bank Of America Po Box 17054 Wilmington, DE 19850-7054
Carolyn Rice Montgomery County Treasurer 451 W. Third Street Dayton, OH 45422-0475	Chase Po Box 15298 Wilmington, DE 19850-5298	Chase Bank USA, N.A. PO Box 15145 Wilmington, DE 19850-5145
(p)CHRYSLER FINANCIAL 27777 INKSTER RD FARMINGTON HILLS MI 48334-5326	Citi Po Box 6241 Sioux Falls, SD 57117-6241	Citimortgage Inc Po Box 9438 Gaithersburg, MD 20898-9438
City Of Dayton A/R Collections 101 West Third Street Dayton, Ohio 45402-1814	City of Dayton Dept. of Revenue and Taxation 101 West Third Street Dayton, OH 45402-1814	City of Dayton Finance Department 1010 West 3rd St, PO Box 22 Dayton, OH 45401-0022
City of Miamisburg PO Box 369 Miamisburg, OH 45343-0369	Client Services 3451 Harry S. Truman Blvd Saint Charles, MO 63301-9816	CollectCorp PO Box 101928 Dept 4947A Birmingham, AL 35210-6928
Credit Protection Association 13355 Noel Rd Dallas, TX 75240-6602	Discover Bank DB Servicing Corporation PO Box 3025 New Albany OH 430543025	Discover Fin Svcs Llc Po Box 15316 Wilmington, DE 19850-5316
FIA CARD SERVICES, N.A. PO Box 15102 Wilmington, DE 19886-5102	Gemb/Suzuki Po Box 981400 El Paso, TX 79998-1400	Gordon Orthodontics 140 Shawnee Street Greenville, OH 45331-2529
Gordon Orthodontics c/o Randall Breden, Esq. 414 Walnut Street Greenville, Ohio 45331-1921	Hsbc Bank Po Box 5253 Carol Stream, IL 60197-5253	Laurito & Laurito 7550 Paragon Road Dayton, OH 45459-5317
Mont Co Cu 620 N. Main Street Dayton, OH 45405	Montgomery County Department of Sanitary Engineering 1850 Spaulding Rd Dayton, OH 45432-3732	NCB Management Services, Inc. PO Box 1099 Langhorne, PA 19047-6099

Ocwen Loan Servicing L 12650 Ingenuity Dr Orlando, FL 32826-2703	PNC BANK PO BOX 94982 CLEVELAND, OH 44101-4982	Pnc/Ohio 2730 Liberty Ave Pittsburgh, PA 15222-4704
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(p)DELL FINANCIAL SERVICES P O BOX 81577 AUSTIN TX 78708-1577	Wfnnb/Fashion Bug 4590 E Broad St Columbus, OH 43213-1301	Wfnnb/Peebles Po Box 64 Jacksonville, TX 75766
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World Financial Network National Bank Quantum3 Group LLC PO Box 788 Kirkland, WA 98083-0788	AJ Kilbarger 9805 Boxwood Court Springboro, OH 45066-9800	John Paul Rieser 7925 Graceland Street Dayton, OH 45459-3834
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Julie A Kilbarger 1108 State Route 571 West Union City, OH 45390-9021	Scott A Kramer 2275 Miamisburg-Centerville Road Suite 400 Dayton, OH 45459-3816
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The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Chrysler Financial 5225 Crooks Rd Ste 140 Troy, MI 48098	Webbank/Dfs 1 Dell Way Round Rock, TX 78682
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The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)CitiMortgage, Inc.	(d)CollectCorp PO Box 101928 Dept 4947A Birmingham, AL 35210-6928	End of Label Matrix Mailable recipients 40 Bypassed recipients 2 Total 42
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